

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

JOE HAND PROMOTIONS, INC., )  
Plaintiff, )  
v. )  
SELFMADE LLC d/b/a Mingles Hookah ) Case No. 3:23-cv-01142  
Lounge and BILLIE DEE WILLIAMS, ) Judge Waverly D. Crenshaw, Jr.  
Defendants. ) Magistrate Judge Barbara D. Holmes

## ORDER

Pending is Plaintiff's Second Motion for Entry of Default pursuant to Federal Rule of Civil Procedure 55(a) against Defendants Selfmade LLC d/b/a Mingles Hookah Lounge and Billie Dee Williams. (Doc. No. 13).<sup>1</sup> For the following reasons, the Second Motion is GRANTED in part and DENIED in part without prejudice.

Plaintiff filed this action on October 27, 2023. (Doc. No. 1). On November 22, 2023, Plaintiff returned two Proof of Service declarations executed by process server, Bradley Holton, confirming that on November 8, 2023, he personally served Billie Dee Williams, as an authorized representative of Selfmade LLC, and in his individual capacity. (Doc. Nos. 9 and 10, respectively). Plaintiff filed the pending Second Motion for Entry of Default on March 15, 2024. (Doc. No. 13).

<sup>1</sup> Plaintiff filed its initial Motion for Entry of Default on December 28, 2023. (Doc. No. 12). The Clerk denies the initial Motion as moot and addresses herein Plaintiff's Second Motion for Entry of Default because it seeks identical relief.

Pursuant to Local Rule 55.01,

Motions for entry of default under Fed. R. Civ. P. 55(a) must be accompanied by an unsworn declaration under penalty of perjury under 28 U.S.C. § 1746 verifying, among other things, (i) proof of service; (ii) the opposing party's failure to plead or otherwise defend; (iii) if the opposing party is an individual, that the opposing party is not a minor or incompetent person; and (iv) if the opposing party is an individual, that the opposing party is not in the military service, as required by 50 U.S.C. § 3931(b)(1). Evidence from the Defense Manpower Data Center, or other reliable source, confirming that the opposing party is not in the military service must be appended to the unsworn declaration.

L.R. 55.01. In support of its Second Motion, plaintiff submits the Declaration of John D. Willet. (Doc. No. 13-1).

Upon a review of the record, the Clerk finds that Plaintiff has satisfied its obligations under Rule 55(a) and Local Rule 55.01 as it relates to Selfmade LLC. “When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.” Fed. R. Civ. P. 55(a).

Moreover, the Clerk finds that Plaintiff has satisfied its obligations under Local Rule 55.01 (i), (ii), and (iii) as to Billie Dee Williams. However, Plaintiff has not yet satisfied the requirements of Local Rule 55.01(iv), as it relates to the military status of Mr. Williams. Mr. Willet's Declaration states that Williams is not an active member of the military, however, he fails to append to his Declaration “[e]vidence from the Defense Manpower Data Center, or other reliable source, confirming that the opposing party is not in the military service.” L.R. 55.01. As a result, the Clerk finds entry of default against Mr. Williams inappropriate at this time.

For the reasons stated herein, Plaintiff's Second Motion for Entry of Default, (Doc. No. 13), against Selfmade LLC is GRANTED. However, Plaintiff's request for entry of default as to Billie Dee Williams is DENIED without prejudice to refiling with the required military status information.

s/ Lynda M. Hill

Lynda M. Hill

Clerk of Court